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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,702	02/21/2002	Takashi Fukui	Q67120	6242

7590 07/31/2003
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EXAMINER

EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/078,702

Applicant(s)

FUKUI, TAKASHI

Examiner

Leslie J. Evanisko

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-10, 12, 13 and 19 is/are rejected.
- 7) ☒ Claim(s) 3-7, 11, 14-18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: partial machine translation of JP 2000-112141

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference numeral **155** in Figure 4.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because the language "is caused by at positions..." in line 2 is awkward and confusing. It appears that the term "at" should be deleted from that language. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 9 is objected to because it fails to properly further limit the structure of the parent claim. In particular, claim 9 is directed to a rotor per se and not the combination of a rotor and the sheet member. Therefore, the details of what the particular sheet member comprises fails to further limit the structure of the rotor and therefore, does not properly limit the parent claim. Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 8-10, 12-13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al. (JP 2000-112141). Inoue et al. teach a rotor **1** around which a sheet member **2** is wound and fixed comprising a rotor body including an axis of rotation and a peripheral surface, a chuck device for

Art Unit: 2854

pressing the leading and trailing edges of the sheet member against the peripheral surface, the chuck device including a first chuck **4, 40** and a second chuck **5, 50** and having a first mode, in which the first chuck is attached to the rotor body and the second chuck is apart from the rotor body, and a second mode in which both the first and second chucks are attached to the rotor body, a main balancer **8** attached to the rotor body and having a first relative positional relation with the first chuck, a sub-balancer **7, 21** attached to the rotor body and having a second relative positional relation with the second chuck in the second mode. Note the main balancer and the sub-balancer of Inoue et al. would inherently increase the unbalance of the rotor in the first mode and reduce the unbalance of the rotor in the second mode. See the partial English language translation attached to this Office Action and the embodiments shown in Figures 1, 3-4, 7-11, and 20(a)-24(b) of Inoue et al. in particular.

With respect to claims 2 and 13, note the main balancer **8** has a constant relative angle around the axis of rotation with respect to the first chuck **4, 40**.

With respect to claims 8 and 19, note the first chuck **4, 40** is a leading edge chuck and the second chuck **5, 50** is a trailing edge chuck as recited. See the English language translation in particular.

With respect to claims 9-10, note the sheet member **2** is a printing plate and the rotor **1** is a drum for fixing the sheet member at the time the sheet member is scan exposed, as set forth in the English language translation.

With respect to claim 12, note Inoue et al. teach an apparatus comprising a drum 1, a section for feeding the printing plate to the drum (i.e. conveying section **900**), a section for rotating the drum (i.e., rotation driving device **200**), a section for recording an image onto the plate (i.e, recording head **120**), and a section for detaching the plate from the drum (i.e., first and second driving devices **320, 324**) as recited. Again, note the English language translation and Figure 10 in particular.

7. Claims 1-2, 8-10, 12-13, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al. (US 6,505,142 B1). Inoue et al. teach a rotor **1** around which a sheet member **2** is wound and fixed comprising a rotor body including an axis of rotation and a peripheral surface, a chuck device for pressing the leading and trailing edges of the sheet member against the peripheral surface, the chuck device including a first chuck **4, 40** and a second chuck **5, 50** and having a first mode, in which the first chuck is attached to the rotor body and the second chuck is apart from the rotor body, and a second mode in which both the first and second chucks are attached to the rotor body, a main balancer **8** attached to the rotor body and having a first relative positional relation with the first chuck, a sub-balancer **7, 21** attached to the

Art Unit: 2854

rotor body and having a second relative positional relation with the second chuck in the second mode. Note the main balancer and the sub-balancer of Inoue et al. would inherently increase the unbalance of the rotor in the first mode and reduce the unbalance of the rotor in the second mode. See column 17, lines 48-53 and the embodiments shown in Figures 1, 3-4, 7-11, 20(a)-24(b), 28, 30-31, and 34-36(b) of Inoue et al. in particular.

With respect to claims 2 and 13, note the main balancer **8** has a constant relative angle around the axis of rotation with respect to the first chuck **4, 40**.

With respect to claims 8 and 19, note the first chuck **4, 40** is a leading edge chuck and the second chuck **5, 50** is a trailing edge chuck as recited. See column 20, lines 18-64 in particular.

With respect to claims 9-10, note the sheet member **2** is a printing plate and the rotor **1** is a drum for fixing the sheet member at the time the sheet member is scan exposed, as set forth in column 1, lines 6-10.

With respect to claim 12, note Inoue et al. teach an apparatus comprising a drum 1, a section for feeding the printing plate to the drum (i.e. conveying section **900**), a section for rotating the drum (i.e., rotation driving device **200**), a section for recording an image onto the plate (i.e, recording head **120**), and a section for detaching the plate from the drum (i.e., first and second driving devices **320, 324**) as recited. Again, note columns 17-20 and Figure 10 in particular.

Allowable Subject Matter

8. Claims 3-7, 11, 14-18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest an apparatus including a rotor having all of the structure as recited, in combination with and particularly including, a chuck holder swingable around the axis of rotation of the rotor body and the second chuck being attachable to the rotor body via the chuck holder.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Solomon (US 5,813,346) and Inoue et al. (JP 11-311863 and US 2003/0088383 A1) each teach a rotor and apparatus for forming an image on a printing plate including a balancing mechanism having obvious similarities to the claimed subject matter.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone

Art Unit: 2854

number is **(703) 308-0786**. The examiner can normally be reached on M-Th
7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619.

The fax phone numbers for the organization where this application or
proceeding is assigned are (703) 308-7722 for regular communications and
(703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this
application or proceeding should be directed to the receptionist whose
telephone number is (703) 308-0956.

Leslie J. Evanisko
Leslie J. Evanisko
Primary Examiner
Art Unit 2854

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lje
July 17, 2003